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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,002	01/23/2004	Randall C. Adams	auctiondrop-1	8943
26379	7590	05/19/2005		
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER THEIN, MARIA TERESA T	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,002

Applicant(s)

ADAMS ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Response A" filed on February 14, 2005 has been considered with the following effect.

Applicants' response by canceling claims 1-4 has overcome the Examiner's rejection of such claims under 35 USC 101.

Applicants' response by replacing the drawings has overcome the Examiner's Drawing objection.

Claims 1-4 are canceled. Claims 5-24 remain pending in this application.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings filed on February 14, 2005 are acceptable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,176 to Woolston in view of the article "eBay teams with Mail

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Boxes Etc. and iShip.com to Provide Person-to-Person e-commerce shipping solutions" (eBay).

Regarding claims 5-8, 10, 15-18, 20-21, and 24, Woolston discloses a system and method for facilitate the sale of an item, comprising: a computer-base hub that is connected to each inlet wherein the hub manages the sale of the plurality of items form the inlets (consignment node); the hub having one or more processing stations that generate data about each item wherein the data includes evaluation about the item and a photograph, a listing station, and a marketplace interface that coordinates the sale of the item at the existing marketplace including receiving an identity of a buyer, receiving a payment, and shipping the sold item to the buyer and sending a portion of the payment form the buyer to the seller (consignment node; col. 3, lines 9-15; col. 10, lines 9-42).

However, Woolston does not explicitly disclose one or more inlets that receive a plurality of items; inlet ships; the inlet are geographically dispersed from each other; the hub is geographically dispersed from at least one inlet; storage area; a computer system to generate data about the item received at the inlet station wherein the generated data is communicated to the hub; a registration station at which an item is one of accepted and rejected for sale; and acceptance module. Woolston discloses an apparatus for creating a computerized market for used and collectible goods (abstract). Woolston discloses a network which provides a trusted means for consignment node users, such as shopkeepers, to establish markets for collectibles items, establish electronic auctions, and a means to present goods (col. 2, lines 38-44).

The article "eBay", on the other hand, teaches one or more inlets that receive a plurality of items; inlet ships; the inlet are geographically dispersed from each other; the hub is geographically dispersed from at least one inlet; storage area; a computer system to generate data about the item received at the inlet station wherein the generated data is communicated to the hub; a registration station at which an item is one of accepted and rejected for sale; and acceptance module (whole article). The article teaches a program for which franchisees will provide a place for delivery and inspection of goods and providing convenient drop-off locations for e-commerce shipments (paragraphs 5, 7, and 9). The article further teaches the development of co-branding shipping interface integrated into an auction site (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Woolston, to include the inlets, as taught by the article "eBay", in order to provide convenient drop-offs for e-commerce shipment ("eBay", paragraph 2), thus to give buyers and merchants (seller) convenience and efficiency (paragraph 12).

Regarding claims 9, 11-14, and 22-23, Woolston discloses a photography station and a testing station for generating evaluation data for the item; wherein the hub further comprises a database and wherein each processing station stores the evaluation data and photograph for each item in the database; an information transport layer that connects the hub to the existing marketplace wherein the listing is communications over the communications network; computer network; listing software module; and a sales

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software module (col. 2, lines 13-15; col. 3, lines 9-32; col. 10, lines 9-42; col. 5, lines 16-23).

Regarding claim 19, Woolston the coordination the consignment sale comprises receiving an identify of a buyer, receiving a payment from the buyer of a sold item, shipping the sold item and sending a portion of the payment from the buyer to the seller (Figure 7; col. 12, lines 30-67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
May 16, 2005

Michael Cuff 5/13/05
MICHAEL CUFF
PRIMARY EXAMINER